

REMARKS

Claims 1-3 and 6-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Birnbaum et al. (US, 5,923,821).

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Birnbaum et al. in view of Dermer et al. (US, 5,313,570).

Summary of the Response to the Office Action

Applicant amends independent claims 1, 2, 6, 7 and 9 to further define the invention. Accordingly, claims 1-9 are presently pending for consideration.

All Claims Define Allowable Subject Matter

Rejection of Claims under 35 U.S.C. §§102(e) and 103(a)

Claims 1-3 and 6-9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Birnbaum et al. (US, 5,923,821) and claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Birnbaum et al. in view of Dermer et al. (US, 5,313,570). Applicant respectfully traverses the rejections and the Office Action's interpretation of the applied references for at least the following reasons.

Independent claims 1, 2 and 7, as amended, all recite an image processing device including, in part, "a branching unit that identifies a type of image data automatically" and "a black area detector that detects a black area in the image data identified by the branching unit." Similarly, independent claim 6, as amended, recites an image processing method including, in part, "identifying a type of image data automatically" and "detecting a black area in the identified image data." Furthermore, independent claim 9, as amended, recites an image processing method including, in part, "identifying a type of image data automatically" and "interpreting the identified image data sequentially regardless of contents of the image data in a

background of the black area.” Applicant respectfully submits that at least these features of amended independent claims 1, 2, 6, 7 and 9 are neither taught nor suggested by Birnbaum et al. and Dermer et al., whether taken singly or combined.

In the Office Action, the Examiner on page 2 alleges that Birnbaum et al. discloses an image processing device comprising a branching unit that identifies a type of image data (FIG. 1, col. 7 line 47 to col. 8, line 29), an output part that adds color materials, except a black material, of a predetermined amount to the black area and outputs the color materials and the black material (FIGs. 1 and 4, col. 8, lines 30-52, col. 9, line 51 to col. 11, line 3). Applicant respectfully disagrees.

In contrast to the Applicant’s claimed invention, Birnbaum et al. teaches an electro-photographic printing/copying machine (col. 4, line 53 to col. 5, line 29, and FIG. 5) which implements a trapping system to print black text or an image object with a black toner plus process black in the trap area. The trapping system further includes an ability to print single colored black over white areas and up to four-color black (black plus the other toner present) over colored background areas (col. 9, line 51 to col. 10 line 38). On the other hand, Applicant respectfully submits that the trapping system of Birnbaum et al. (FIG. 1) appears to disclose that the trapping of black text or the dark image object is performed without having to go through a process of identifying the type of image object included in an input image data. In another words, the trapping system of Birnbaum et al. does not seem to require that the input image data be identified according to an object type, whether the image object is text, graphics, black outlined object, or other types, prior to detecting the black image object within the input image data. Thus, Applicant respectfully asserts that Birnbaum et al. fails to teach or suggest at least “a

branching unit that identifies a type of image data” prior to “detecting a black area in the image data identified by the branching unit” and “interpreting the identified image data.”

Furthermore, although, Birnbaum et al. at col. 10, line 39 to col. 11, line 17, and FIG. 4) teaches the object oriented trapping mode, it appears that the object oriented trapping mode of Birnbaum et al. require a user to select between the “default mode without trapping” or “the object trapping” using a menu system (col. 11, lines 12-14, not shown in FIG. 4). However, since the user is required to select the object oriented trapping mode, it is contradictory to the features of “identifying a type of image data automatically” as recited by amended independent claims 1, 2, 6, 7 and 9. Accordingly, Applicant respectfully asserts that Birnbaum et al. fails to teach or suggest at least the features of amended independent claims 1, 2, 6, 7 and 9. In addition, Applicant respectfully submits that Dermer et al. fails to cure the deficiencies of Birnbaum et al.

In light of the arguments presented above, Applicant respectfully submits that the rejections under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn because Birnbaum et al. and Dermer et al., whether taken individually or in combination, teach or suggest at least the features recited in amended independent claims 1, 2, 6, 7 and 9, hence dependent claims 3-5 and 8. Moreover, Applicant respectfully submits that dependent claims 3-5 and 8 are allowable for at least the same reasons as set forth above with regard to amended independent claims 1, 2 and 7 upon which they respectfully depend, as well as the individual features they recite.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

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